February 10, 2021

Suzanne Case, Chairperson
Board of Land and Natural Resources
PO Box 621
Honolulu, HI 96809

Dear Chairperson Case and member of the Board,

We are writing this letter in our capacities as the Chair and Member of the Maunakea Management Board, the community-based board that advises the University of Hawai'i about matters involving the mauna. Although the board has discussed the report prepared for the DLNR by Ku'iwalu on the University's implementation of the Comprehensive Management Plan for Maunakea, it has not taken a formal position on the report. Therefore, the following comments are ours as individual members only. Nonetheless, in providing these comments, we endeavor to reflect the sentiments expressed during board discussions, and the comments shared by individual board members.
Here are Dr. Billy Bergin, Member, and Roberta Chu, Chair of the Board's, perspectives on the recently completed assessment of UH's execution of the Comprehensive Management Plan completed by Kuiwalu LLC.

1) DLNR contracted with Kuiwalu LLC to evaluate how well OMKM implemented the CMP. As such, the report includes a summary table for 4 Management Component Plans with 12 Management Actions of which 8 were determined to be "good progress in achieving outcomes", 2 were determined to be "some progress on achieving outcomes and 2 were determined to be "minimal progress in achieving outcomes". In our minds, such results would likely conclude that implementation of the CMP was successful and should have been the key document from which a conclusion would have been drawn. Instead, the report's conclusion was focused on oral comments with minimal or lack of fact checking to substantiate the final statements. The danger of making comments without fact checking perpetuates misinformation which leads to mistruths.
2) Kuiwalu LLC notes that the opinions of members of the public regarding UH stewardship of Maunakea depends upon whether they support or oppose telescope development on the mauna. Astronomy development, the basis of the criticisms of UH and, by implication, the MKMB, is one of State policy and not management.

a. In the 1960s the State of Hawai'i, under the leadership of Governor Burns, called upon state and private sector support and encouraged UH to develop research in astronomy and oceanography because Hawaii was blessed with natural resources that could support such research. Research would provide the types of skilled jobs that he envisioned would be in demand in the future. Most of the dissatisfaction with UH is from those opposed to its role in implementing state policy to advance modern astronomy and build/ maintain a world-class academic astronomy program. Most of Hawai'i's public supports this policy.

3) UH's Maunakea governance structure includes built-in processes for community and cultural input into decision-making. The Maunakea Management Board (MKMB) and Kahu Kū Mauna (KKM) were established through the 2000 Maunakea Science Reserve Master Plan which itself was developed through an extensive community engagement process. Kuiwalu met with MKMB and KKM at one 2-hour occasion each as part of its assessment which did not provide adequate information for an assessment of the role we play in providing community and cultural input. If community and cultural engagement is inadequate in the eyes of some, focus should be on strengthening the structure that already exists. Further, Kuiwalu's report does not recognize the important work members of these and other volunteer groups have done **on behalf of the State for the last 20 years**. In fact, we consider it a direct insult to the community.

4) Kuiwalu's report focuses on three areas of concerns regarding UH's management of the mauna: a) delays in completing the administrative rules and CMP update; b) lack of meaningful engagement with the native Hawaiian community especially lineal and cultural descendants; and c) gaps in the integration of cultural perspectives in their educational programming.

   a. Regarding delays, the report is remiss in fully acknowledging reasons for these delays that were outside the control of UH and, by implication, MKMB and KKM. This included the TMT contested case hearing in 2011 which delayed the rulemaking process by over 2 years. Further, in 2016, Gov Ige ordered UH not to send him a copy of the draft rules and authorized UH to hold public hearings This resulted in another year of delay.

   b. Regarding engagement with the Native Hawaiian community, Maunakea is a symptom of over 138 years of unresolved claims stemming from the overthrow of the Hawaiian nation. UH's engagement with the Hawaiian community, like every other major project especially those involving ceded lands, will always be shrouded in the context of this history. It is incumbent on the State, Native Hawaiians, elected officials, OHA, and the Federal

government to find a path to reconciliation if we are to move beyond this history. Otherwise, our progress to diversify our economy and innovate will always be constrained. Further, there is no unified voice that speaks on behalf of native Hawaiians. UH has engaged with the Hawaiian community through as many venues as possible including individual meetings with Hawaiian leaders, practitioners, and descendants wherever possible, meetings with DHHL beneficiaries, and through the input brought by KKM to discussions from their own cultural backgrounds and traditions. And MKMB regularly provides a public forum for all community voices to be heard. To say that UH failed in managing cultural practices is incorrect. UH has been told on numerous occasions that UH cannot and should not define nor manage cultural practices. It is incorrect for the State to suggest managing cultural practices. Native Hawaiians have access to Maunakea 24/7 except when hazardous conditions exist and the road is closed to the public. UH is responsible for the health and safety of the public while on UH's managed lands. During road closures, Rangers will assist and allow cultural practitioners to venture to areas that have been cleared and free of road hazards; they did this during the 2015 road closure and most recently when cultural practitioners and not the general public were allowed access to the safe areas approaching the summit. Some ventured into the adze quarry.

c. To expect UH, and by implication MKMB and KKM, to have a magic bullet when it comes to engagement with the Hawaiian community in the context of a very complicated political history and uneven voices is unfair. These efforts must be recognized.
d. Regarding the gap in cultural perspectives in UH's educational programming we would note that this fails to recognize the mission and investment UH has made in 'Imiloa to serve since it's opening. 'Imiloa has developed and offers educational programs for young people about Hawaiian navigation and Hawaiian perspectives and concepts of the astronomical world.
e. The Kuiwalu report continues to rely on the findings of the 1998 State Audit of UH's management, fails to adequately credit changes in management that UH has implemented since then and the positive changes subsequent audits have noted. It was because of the 1998 Auditor's report that UH developed a new master plan that established community-based management on Hawai'i Island calling for direct community participation in the management and development activities on UH's managed lands on Maunakea. In 2014, the State auditor conducted an extensive follow-up to the 1998 audit and

observed: "We found that UH has developed several management plans that provide a comprehensive framework for managing and protecting Mauna Kea while balancing the competing interests of culture, conservation, scientific research and recreation." Subsequent reviews by the State Auditor have shown continuous progress and improvement.

5) Finally, the Kuiwalu report specifically notes:

   "We heard many comments that the cultural and natural resources on the state conservation lands on Mauna Kea are some of the best managed and protected lands in the entire State."

This is a strong endorsement of UH's management so, obviously, we must be doing something right. There is a solid foundation to build on here and it makes no sense, and is a waste of resources, to pursue strategies to change management.

Kuiwalu's report also indicated that OMKM is doing a good job implementing the CMP, albeit it is buried at the end of report in a table without much narrative and explanation.

Thank you for the opportunity to provide this testimony. We hope you will find it useful in your final evaluation of UH's performance on implementing the CMP.

Respectfully submitted,

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